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**From:** Martinsen, Jessica [Martinsen.Jessica@epa.gov]  
**Sent:** 2/3/2023 1:40:01 PM  
**To:** Baker, Gregory (Virginia) [Greg.Baker@energy.virginia.gov]; Moore, Marshall (Energy) [Marshall.Moore@energy.virginia.gov]; Worley, Jared (Energy) [Jared.Worley@energy.virginia.gov]; Fulton, Jennifer [Fulton.Jennifer@epa.gov]  
**CC:** Conway, Bette [Conway.Bette@epa.gov]; Voigt, Gregory [Voigt.Gregory@epa.gov]; Barnette, Tosh (Energy) [Tosh.Barnette@energy.virginia.gov]  
**Subject:** RE: Iron Mountain Collieries permit

Got it. I just sent a meeting invitation.

Thank you.  
Jessica



Jessica Martinsen  
Chief, Permits Section  
Water Division  
US EPA Mid-Atlantic Region  
Phone 215-814-5144  
Cell 267-449-3848  
Email [martinsen.jessica@epa.gov](mailto:martinsen.jessica@epa.gov)



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**From:** Baker, Gregory (Virginia) <Greg.Baker@energy.virginia.gov>  
**Sent:** Thursday, February 02, 2023 6:16 PM  
**To:** Moore, Marshall (Energy) <Marshall.Moore@energy.virginia.gov>; Martinsen, Jessica <Martinsen.Jessica@epa.gov>; Worley, Jared (Energy) <Jared.Worley@energy.virginia.gov>; Fulton, Jennifer <Fulton.Jennifer@epa.gov>  
**Cc:** Conway, Bette <Conway.Bette@epa.gov>; Voigt, Gregory <Voigt.Gregory@epa.gov>; Barnette, Tosh (Energy) <Tosh.Barnette@energy.virginia.gov>  
**Subject:** Re: Iron Mountain Collieries permit

Sorry Jessica but the 1:30 time on the 7th would be best. I have another meeting at 3:00

Gregory F. Baker  
Technical/Reclamation Services Manager  
Virginia Dept. Of Energy  
[greg.baker@energy.virginia.gov](mailto:greg.baker@energy.virginia.gov)  
Office: 276-523-8286  
Cell: 276-639-5121

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**From:** Moore, Marshall (Energy) <Marshall.Moore@energy.virginia.gov>  
**Sent:** Thursday, February 2, 2023 3:42:33 PM  
**To:** Baker, Gregory (Virginia) <Greg.Baker@energy.virginia.gov>; Martinsen, Jessica <Martinsen.Jessica@epa.gov>; Worley, Jared (Energy) <Jared.Worley@energy.virginia.gov>; Fulton, Jennifer <Fulton.Jennifer@epa.gov>  
**Cc:** Conway, Bette <Conway.Bette@epa.gov>; Voigt, Gregory <Voigt.Gregory@epa.gov>; Barnette, Tosh (Energy) <Tosh.Barnette@energy.virginia.gov>  
**Subject:** Re: Iron Mountain Collieries permit

Im good with the 7th.

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**From:** Baker, Gregory (Virginia) <Greg.Baker@energy.virginia.gov>  
**Sent:** Thursday, February 2, 2023 3:39:10 PM  
**To:** Martinsen, Jessica <Martinsen.Jessica@epa.gov>; Worley, Jared (Energy) <Jared.Worley@energy.virginia.gov>; Fulton, Jennifer <Fulton.Jennifer@epa.gov>  
**Cc:** Conway, Bette <Conway.Bette@epa.gov>; Moore, Marshall (Energy) <Marshall.Moore@energy.virginia.gov>; Voigt, Gregory <Voigt.Gregory@epa.gov>; Barnette, Tosh (Energy) <Tosh.Barnette@energy.virginia.gov>  
**Subject:** Re: Iron Mountain Collieries permit

Jessica,  
I am good with the 7<sup>th</sup> either time and the 13<sup>th</sup> 3:00-4:00 PM. However, preferable the 7th.

Thanks

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**From:** Martinsen, Jessica <Martinsen.Jessica@epa.gov>  
**Sent:** Thursday, February 2, 2023 12:15 PM  
**To:** Worley, Jared (Energy) <Jared.Worley@energy.virginia.gov>; Fulton, Jennifer <Fulton.Jennifer@epa.gov>; Baker, Gregory (Virginia) <Greg.Baker@energy.virginia.gov>  
**Cc:** Conway, Bette <Conway.Bette@epa.gov>; Moore, Marshall (Energy) <Marshall.Moore@energy.virginia.gov>; Voigt, Gregory <Voigt.Gregory@epa.gov>; Barnette, Tosh (Energy) <Tosh.Barnette@energy.virginia.gov>  
**Subject:** RE: Iron Mountain Collieries permit

Jared,

Thank you for forwarding this draft permit for our consideration. We have reviewed the proposal and would like to schedule a meeting with you to discuss. As you can imagine calendars are tough.

Here's our availability for next week:

Tuesday, 2/7 – 1:30 – 2:00pm, or 3:00-3:30pm

Friday, 2/10 – anytime between 10:30am – 12:00pm

And the following week:

Monday, 2/13 – anytime between 3:00 – 4:00pm

Tuesday, 2/14 – anytime between 2:30-4:00pm

Please let us know if any of these days/times will work.

Thank you,  
Jessica



Jessica Martinsen

Chief, Permits Section  
Water Division  
US EPA Mid-Atlantic Region  
Phone 215-814-5144  
Cell 267-449-3848



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**From:** Worley, Jared (Energy) <[Jared.Worley@energy.virginia.gov](mailto:Jared.Worley@energy.virginia.gov)>  
**Sent:** Tuesday, January 24, 2023 3:54 PM  
**To:** Fulton, Jennifer <[Fulton.Jennifer@epa.gov](mailto:Fulton.Jennifer@epa.gov)>; Baker, Gregory (Virginia) <[Greg.Baker@energy.virginia.gov](mailto:Greg.Baker@energy.virginia.gov)>  
**Cc:** Conway, Bette <[Conway.Bette@epa.gov](mailto:Conway.Bette@epa.gov)>; Moore, Marshall (Energy) <[Marshall.Moore@energy.virginia.gov](mailto:Marshall.Moore@energy.virginia.gov)>;  
Martinsen, Jessica <[Martinsen.Jessica@epa.gov](mailto:Martinsen.Jessica@epa.gov)>; Voigt, Gregory <[Voigt.Gregory@epa.gov](mailto:Voigt.Gregory@epa.gov)>; Barnette, Tosh (Energy)  
<[Tosh.Barnette@energy.virginia.gov](mailto:Tosh.Barnette@energy.virginia.gov)>  
**Subject:** RE: Iron Mountain Collieries permit

Jennifer,

Please find attached the updated draft NPDES Permit and Factsheet for Iron Mountain Collieries. The updated draft reflects the proposal referenced in the email below. If you have any question, feel free to contact me at any time.

Thanks,

Jared Worley  
Water Quality Manager  
Virginia Energy  
276-523-8185

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**From:** Fulton, Jennifer <[Fulton.Jennifer@epa.gov](mailto:Fulton.Jennifer@epa.gov)>  
**Sent:** Monday, January 23, 2023 12:29 PM  
**To:** Baker, Gregory (Virginia) <[Greg.Baker@energy.virginia.gov](mailto:Greg.Baker@energy.virginia.gov)>  
**Cc:** Conway, Bette <[Conway.Bette@epa.gov](mailto:Conway.Bette@epa.gov)>; Moore, Marshall (Energy) <[Marshall.Moore@energy.virginia.gov](mailto:Marshall.Moore@energy.virginia.gov)>;  
Worley, Jared (Energy) <[Jared.Worley@energy.virginia.gov](mailto:Jared.Worley@energy.virginia.gov)>; Martinsen, Jessica <[Martinsen.Jessica@epa.gov](mailto:Martinsen.Jessica@epa.gov)>; Voigt,  
Gregory <[Voigt.Gregory@epa.gov](mailto:Voigt.Gregory@epa.gov)>  
**Subject:** Iron Mountain Collieries permit

Good afternoon Greg,

Thank you for reaching out with your recent proposal to issue the Iron Mountain Collieries permit with the conditions described in your email of January 10, 2023. In your email, you propose to issue an NPDES permit "with the conditions that":

- Limit disturbance to bonding Increment Number 1 as shown on IBM Map (2), which includes the haulroad and the proposed initial disturbance in blue
- Authorizes discharges only from structures depicted on the Surface Water Hydrology Map (SWH) as Ponds 3 & 4 that will discharge into Looney Creek only and are located in said bonding increment 1; VA Energy will require the IBM map to be revised to remove any area other than those draining to structures discharging into Looney Creek, with exception of the haulroad itself

You state that the purpose of your proposal is to allow the mine operator to commence construction while the Virginia Energy gathers the data described in EPA's interim objection dated August 31, 2022 and the agencies work through the issues regarding consistency with the assumptions and requirements of the Callahan Creek TMDL.

In order for EPA to be able to review and respond to your proposal, please provide a draft permit that reflects your proposal. Alternatively, EPA anticipates that the project could commence with an NPDES permit that includes numeric water quality-based effluent limitations for all discharges to waters in the Callahan Creek watershed consistent with the TMDL endpoints set forth in the Callahan Creek TMDL.

As these options are considered, in order to ensure that no operations would occur in waters of the United States, EPA recommends that the applicant consult the website of the U.S. Army Corps of Engineers at <https://www.usace.army.mil/Media/Announcements/Article/2888988/5-january-2022-navigable-waters-protection-rule-vacatur/>

We do have availability to discuss these options, and encourage you to reach out to Jessica Martinsen either by email [Martinsen.Jessica@epa.gov](mailto:Martinsen.Jessica@epa.gov) or phone at (215) 814-5144 to schedule a discussion.

Thank you,  
Jen Fulton



Jennifer Fulton

Acting Chief, Clean Water Branch

US EPA Mid-Atlantic Region

Phone 304-234-0248

Email [fulton.jennifer@epa.gov](mailto:fulton.jennifer@epa.gov)



**From:** Baker, Gregory (Virginia) <[Greg.Baker@energy.virginia.gov](mailto:Greg.Baker@energy.virginia.gov)>

**Sent:** Tuesday, January 10, 2023 2:31 PM

**To:** Conway, Bette <[Conway.Bette@epa.gov](mailto:Conway.Bette@epa.gov)>; Moore, Marshall (Energy)

<[Marshall.Moore@energy.virginia.gov](mailto:Marshall.Moore@energy.virginia.gov)>; Worley, Jared (Energy) <[Jared.Worley@energy.virginia.gov](mailto:Jared.Worley@energy.virginia.gov)>

**Cc:** Martinsen, Jessica <[Martinsen.Jessica@epa.gov](mailto:Martinsen.Jessica@epa.gov)>; Voigt, Gregory <[Voigt.Gregory@epa.gov](mailto:Voigt.Gregory@epa.gov)>

**Subject:** Re: VA Energy Monthly call scheduled for tomorrow at 10 am

Bette,

We have a question concerning the Iron Mountain Collieries applications for your consideration. Would EPA be ok with VDOE issuing the permit with the conditions that no disturbance (other than a portion of the haulroad and it's structures) would occur in the Callahan Creek watershed until what time VDOE has obtained formal approval from EPA. I have attached two maps, one is the Incremental Bonding Map (IBM) showing bonding Increment Number 1, which includes the haulroad and the proposed initial disturbance in blue. The second map is the Surface Water Hydrology Map (SWH) which includes the structures (Ponds 3 & 4) that will discharge into Looney Creek only and are located in said bonding increment. We would require the IBM map to be revised to remove any area other than those draining to structures discharging into Looney Creek, with exception of the haulroad itself. This would allow the permittee to begin operations, while the Callahan Creek issues are resolved.

Let us know your thoughts.

Thank you for your consideration.

Gregory F. Baker  
Virginia Energy | Technical/Reclamation Services Manager  
Office: 276-523-8286  
Cell: 276-639-5121

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